

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 TRSE-00 COME-00 FEA-01

AGRE-00 CEA-01 CIAE-00 DODE-00 FRB-03 H-01 INR-07

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 STR-04 ITC-01 PRS-01 SP-02 OMB-01

NSCE-00 SSO-00 USIE-00 INRE-00 /094 R

DRAFTED BY EB/OT/STA:MCJONES:JH

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TREAS:LPOTTS

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EB/OT/EWT:GBOUTIN (SUBS)

DOC/BEWT:JBURGESS

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FM SECSTATE WASHDC

TO AMEMBASSY BUCHAREST IMMEDIATE

INFO USMISSION GENEVA

USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, RO

SUBJECT:ANTIDUMPING PROCEEDINGS -- CLEAR SHEET GLASS FROM ROMANIA

REF: STATE 211684 8/25/76

1. TREASURY HAS DETERMINED THAT CLEAR SHEET GLASS FROM ROMANIA IS BEING SOLD AT LESS THAN FAIR VALUE IN THE U.S.

A NOTICE GIVING THE TENTATIVE AND FINAL DETERMINATIONS

SIMULTANEOUSLY WILL BE PUBLISHED SHORTLY IN THE

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FEDERAL REGISTER. (IN MOST ANTIDUMPING INVESTIGATIONS,UPON THE REQUEST OF AT LEAST ONE IMPORTER AND ONE EXPORTER FOR A SIX-MONTH WITHHOLDING, THE FINAL DETERMINATION IS PUBLISHED THREE MONTHS AFTER THE TENTATIVE DETERMINATION. THE ROMANIANS DID NOT REQUEST THIS.) THE NOTICE WILL PROVIDE FOR A THREE MONTH WITHHOLDING OF APPRAISEMENT TO TAKE EFFECT ON THE DATE OF PUBLICATION IN THE FEDERAL

REGISTER. THE MERCHANDISE MAY CONTINUE TO ENTER THE U.S.
BUT FINAL DUTIES ARE NOT ASSESSED.

2. THE CASE WILL BE REFERRED TO THE INTERNATIONAL TRADE
COMMISSION (ITC) WHICH WILL HAVE THREE MONTHS IN WHICH
TO DETERMINE WHETHER A U.S. INDUSTRY IS BEING,

OR IS LIKELY, TO BE INJURED BECAUSE OF THE SALES AT LESS
THAN FAIR VALUE. THE FORMAL REFERRAL OF THE CASE TO THE
ITC WILL PROBABLY OCCUR JANUARY 12 WHICH WOULD MEAN THAT
A FINAL DETERMINATION WOULD BE MADE ON MARCH 14. AS IN
ALL INJURY INVESTIGATIONS UNDER THE ANTIDUMPING ACT, THE
ITC WILL HOLD PUBLIC HEARINGS.

3. SECTION 321 OF THE TRADE ACT OF 1974 AMENDED SECTION
205 OF THE ANTIDUMPING ACT, 1921, WITH RESPECT TO
PROCEDURES FOR STATE-CONTROLLED ECONOMIES. IF THE
SECRETARY OF THE TREASURY DETERMINES THAT "THE ECONOMY
OF THE COUNTRY FROM WHICH THE MERCHANDISE IS EXPORTED IS
STATE-CONTROLLED TO AN EXTENT THAT SALES OR OFFERS OF
SALES OF SUCH OR SIMILAR MERCHANDISE IN THAT COUNTRY OR
TO COUNTRIES OTHER THAN THE UNITED STATES" DO NOT PERMIT
A DETERMINATION OF FAIR VALUE UNDER THE USUAL PROCE-
DURES, THE FAIR VALUE IS DETERMINED ON THE BASIS OF
EITHER (A) THE PRICES AT WHICH SIMILAR MERCHANDISE IS SOLD
IN A NON STATE-CONTROLLED ECONOMY COUNTRY EITHER IN THAT
COUNTRY'S HOME MARKET OR TO OTHER COUNTRIES INCLUDING THE
UNITED STATES OR (B) THE CONSTRUCTED COST OF THE PRODUCT
IN A NON-STATE-CONTROLLED ECONOMY. IN THIS INSTANCE,
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FAIR VALUE WAS CALCULATED ON THE BASIS OF PRICES CHARGED
BY AN AUSTRIAN MANUFACTURER OF SIMILAR MERCHANDISE
IN AUSTRIA. THE CUSTOMS SERVICE RECOMMENDED TO TREASURY
THAT DUMPING MARGINS OF ABOUT 100 PERCENT BE FOUND.
ADDITIONAL INFORMATION FOUND BY TREASURY AND SUBMISSIONS
OF THE ROMANIANS AND THEIR COUNSEL HELPED TO FORM THE
BASIS FOR LOWERING THAT MARGIN TO 48 PERCENT. THE
DUMPING MARGIN IS THE DIFFERENCE BETWEEN THE AUSTRIAN
HOME MARKET PRICES AND THE ROMANIAN PRICES TO THE U.S.
AS A PERCENTAGE OF THE LATTER.

4. THE ROMANIAN EMBASSY (FIRST SECRETARY, ECONOMIC,
IORDACHESCU) WAS INFORMED OF THE TREASURY DECISION JUST
BEFORE COB JANUARY 10 AND APPEARED PLEASED THAT AT LEAST
MARGIN HAD BEEN REDUCED FROM 100 PERCENT TO 48 PERCENT.
(AMBASSADOR NICOLAE HAD CALLED ON SECRETARY SIMON EARLIER
THE SAME DAY TO DISCUSS THE CASE. MEETING WILL BE
REPORTED SEPARATELY.)

5. EMBASSY MAY WISH TO INFORM APPROPRIATE GOR OFFICIALS
OF FORGOING.
ROBINSON

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Message Attributes

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